

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 93-262-S & 94-302-S - ORDER NO. 94-594
JUNE 22, 1994

IN RE: Request for Transfer of Fripp) ORDER WAIVING NOTICE,
Island Sewer System, Inc. to) WAIVING PUBLIC HEARING,
Fripp Island Public Service) AND APPROVING SALE OF
District) FRIPP ISLAND SEWER SYSTEM

This matter is before the Public Service Commission of South Carolina (the Commission) on Fripp Island Sewer System, Inc.'s (Fripp Island's) Application for approval of the sale of its sewer system and assets to the Fripp Island Public Service District (PSD). Fripp Island's Application was filed pursuant to 26 S.C. Regs. 103-504 (1976) and 103-541 (Supp. 1993).

In addition, Fripp Island requests waiver of the notice and hearing requirements of this Commission because due notice and a hearing have already been provided as follows:

1. After hearing from representatives of the PSD and the Fripp Island Property Owners Association (POA) at its May 2, 1994 meeting, the Public Works Committee of the Beaufort County Council determined that the POA, its Board of Directors, and the PSD were unanimously in favor of the sale.
2. Each property owner of Fripp Island served by the sewer system was notified by letter that the PSD was seeking approval of the Beaufort County Council for acquisition of the system and that a public hearing

would be held before the Beaufort County Council on May 23, 1994.

3. Notice of the public hearing regarding the PSD's proposal to acquire the Fripp Island sewer system was published in the May 6, 1994 issues of The Island Packet of Hilton Head, and The Beaufort Gazette of Beaufort.

4. At the public meeting on May 23, 1994, the Beaufort County Council voted unanimously to approve the acquisition by the PSD and issued its formal resolution approving the request of the PSD.

Further, Fripp Island asserts that, except for imposing an availability fee on vacant lots to which sewer service is available, the PSD will charge the rates currently approved by this Commission. By letter dated May 6, 1994, all Fripp Island property owners were notified of these facts. See Exhibit C to Application.

After a thorough review of the record in this matter and of the applicable law, the Commission makes the following findings of fact and conclusions of law.

FINDINGS OF FACT

AND

CONCLUSIONS OF LAW

1. The Commission finds and concludes that all customers and other interested parties have been fairly apprised of the proposed sale by personal letter, legal notice in the newspapers, and public notice of the Beaufort County Council meetings. Consequently, the Commission concludes that due notice of the proposed transfer has been provided.

2. The Commission finds and concludes that customers and other interested persons have had an opportunity to express their views regarding the proposed transfer at a public hearing before the Beaufort County Council.¹ Consequently, the Commission concludes an additional hearing would be redundant.

3. The Commission further finds and concludes the Fripp Island proposed sale and transfer of its sewer system and other assets to the PSD is in the public interest and should be and is hereby approved.²

IT IS SO ORDERED.


VICE Chairman

ATTEST:


Executive Director

(SEAL)

1. According to the minutes of the Council meeting, one property owner opposed the proposal to charge an availability fee. However, the POA voted unanimously in favor of the transfer.

2. Fripp Island shall resolve the complaint with Cliff Judy prior to the closing of the sale.